

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	Civil Action No. 04-1278-KAJ
)	
PECHNEY PLASTIC PACKAGING, INC.,)	
)	
Defendant/Counter-Plaintiff.)	

STIPULATION AND ORDER

WHEREAS, the Court has ordered certain discovery to proceed outside the discovery period and that such discovery be completed on or before October 21, 2005 (D.I. 180);

WHEREAS, due to plaintiff's counsel's participation in a jury trial set to commence on October 24, 2005, the October 19, 2005, deadline in this action for the filing of case dispositive motions and opening claim construction briefs, and a death in the immediate family of in-house counsel, counsel for both parties agree that an additional time to complete the discovery is needed; and

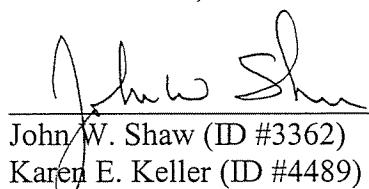
WHEREAS, both parties agree that additional time to complete this discovery will not require any extension of the case dispositive motion briefing schedule or to any other dates set in the Scheduling Order dated December 14, 2004;

Now, therefore, Plaintiff/Counter-Defendant Cryovac, Inc. and Defendant/Counter-Plaintiff Pechney Plastic Packaging, Inc., subject to the approval of the Court, stipulate and agree as follows:

1. The time for completion of the discovery contemplated by D.I. 180 through and including November 10, 2005. Deposition of the Cryovac witness is scheduled for November 2, 2005, and deposition of the Pechiney witness is scheduled for November 10, 2005.

2. Should any discovery occurring after October 19 be used be used in a reply brief to support a case dispositive motion, the parties agree that a short sur-reply (not to exceed 3 pages) addressed solely to that new information may be filed within 3 days of any such reply brief.

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*Attorney for Defendant/Counter-Plaintiff
Pechiney Plastic Packaging, Inc.*

SO ORDERED this _____ day of _____, 2005.

United States District Judge